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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 12th MEETING

Held at Headquarters, New York,
on Thursday, 23 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

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The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12
(continued)

Report of Iraq (E/1980/6/Add.14)

1. Mrs. SAID (Iraq) said that the struggle to achieve economic independence for Iraq had required wresting full control of the country's oil resources from imperialist and monopolistic companies. To that end, the National Oil Company had been established in 1967 to oversee the development of national oil resources with the aim of obtaining sufficient funds to enable the Government to promote the over-all development of the country and secure the full economic, social and cultural rights of all citizens.
2. In connexion with article 10 of the Covenant, in order to be eligible for marriage under Iraqi law, the prospective spouses had to be of sound mind and not less than 18 years old. However, marriage at the age of 15 was permitted, subject to the consent of the 15-year-old's guardian (father) and permission from a magistrate. That concession had been made in order to allow for the differing social circumstances in the country. In keeping with its policy of assisting couples in the establishment of a family, the Revolutionary Command Council had stipulated in 1979 that civil servants and persons employed in the socialist or mixed sectors were entitled to interest-free "marriage loans", repayable over a period of five years beginning five years after the date on which the loan was granted. For each child born, one entire annual instalment was waived.
3. As to the rights of women, Act No. 191 of 1975 guaranteed equality of financial rights and privileges between men and women. For income tax purposes, women were regarded as resident taxpayers in their own right and enjoyed the tax-free allowance granted to them before their marriage. With a view to protecting the family, Act No. 72 of 1977 granted husbands the right to join their wives on sabbatical leave in the same way as wives had been entitled to join their husbands. Family allowances were granted at the rate of 2 dinars for the wife and 2 dinars for each child. Under article 80 of the Labour Act, working mothers were entitled to maternity leave of at least one month before the date of delivery and six weeks after delivery. Since 1979, mothers were also entitled to special leave of up to six months for the purpose of taking care of a child under four years of age.
4. There were two types of nurseries in Iraq: residential nurseries for foundlings and the homeless, which were run by the Department of Social Services of the Ministry of Labour and Social Affairs, and day nurseries. Article 86 of the Labour Act prohibited the employment of young persons under the age of 15. The daily working hours for young persons under the age of 16 must not exceed seven hours and their annual leave must not be less than one month. The workday for young people must include one hour of rest.

(Mrs. Said, Iraq)

5. As to housing, the Government had prepared a long-term plan covering the period up to the year 2000 with the aim of providing decent housing for all Iraqis.

6. Mr. SHAMMA (Jordan) said that the Government of Iraq was making commendable efforts to raise the level of living, especially in the southern part of the country.

7. He noted that under Iraqi law magistrates could authorize young people who were 15 years of age to marry if the objections of their guardians were considered "unworthy of consideration". He asked the representative of Iraq to give an example of an objection that would be considered worthy. He also requested clarification concerning the differences between the paid maternity leave entitlements of women employed in government service and those of other working women.

8. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) requested additional information about the Government's impressive efforts to assist working women, especially in rural areas.

9. Mr. KORDS (German Democratic Republic) asked for what special reasons the marriage of a 15-year-old might be authorized and whether they applied to both males and females. He requested additional information about the role of women in the work force and about measures adopted by the Government to enable women to fulfil their tasks as mothers and in society as a whole.

10. Mr. DIA (Senegal) asked how the measures adopted by the Government to ensure the equal rights of women had been received by the people as a whole and whether the Government's efforts had met with obstacles rooted in tradition.

11. Mr. SAMSON (International Labour Organisation) said the ILO Committee of Experts had noted that provision for medical care, including care in the event of pregnancy and confinement, and for maternity benefits was made under the workers' social insurance scheme. Although the aim was gradually to extend that scheme to all workers, at present it did not apply to workers in agriculture, temporary workers, domestic servants and family workers or to workers in undertakings with fewer than five employees. The Committee of Experts had therefore considered that additional information would be desirable on measures to extend the provision of medical care and maternity benefits to women not yet covered by the scheme.

12. With regard to work by children and young persons, the Committee of Experts had noted that it remained necessary to determine the dangerous and unhealthy occupations to which the higher age-limit of 17 or 18 years should apply for admission to employment. It had also considered that information would be desirable on any measures taken or contemplated to extend the period of compulsory schooling (which normally ended at the age of 12) so as to facilitate the observance of legislation relating to the minimum age for employment (15 years).

13. Mrs. JIMENEZ BUTRAGUENO (Spain) asked what the percentage of women in the work force was in Iraq. Noting that one of the grounds for divorce in Iraq was "marital infidelity", she asked what was understood by that term, particularly in view of the fact that polygamy was permitted in Iraq. The description in the report of the provisions governing adoption gave the impression that couples with children of their own were not eligible to adopt; she asked whether that was indeed the case. Lastly, she requested clarification regarding the provisions relating to sabbatical leave.

14. Mrs. SAID (Iraq), replying to questions concerning the eligibility of 15-year-olds to marry, said that fathers might refuse permission to marry for a variety of reasons. Sometimes they wanted their sons to continue working for them or to marry someone else. However, compulsion was totally prohibited in law, and the courts had the power to rule in such cases.

15. Working mothers and mothers employed in government service were afforded special protection under the law. There were some differences in the treatment of working mothers and government employees. Working mothers had to take maternity leave at least one month before delivery and six weeks afterwards. In the event of a multiple birth or complications of pregnancy, the leave could be extended to nine months at 75 per cent of the woman's monthly pay. It was forbidden to assign pregnant women to night work, overtime or dangerous work or to require them to work for more than seven hours a day. Nursing mothers were entitled to two half-hour nursing breaks daily, which were regarded as time spent on the job. State employees enjoyed similar rights but were also entitled to six-months' child-care leave at half pay. Maternity leave counted towards their length of service.

16. With regard to the questions asked by the representative of Senegal, she said that a major campaign had been launched under the guidance of the General Federation of Iraqi Women to ensure the success of efforts to promote the equality of women. Her own presence as the representative of her country was proof of the strides made by women in recent years.

17. Replying to the representative of Spain, she said that the proportion of women in the work force varied from sector to sector, the highest percentage being in education, where women accounted for over 50 per cent. Among the admissible grounds for divorce were maltreatment or incurable illness of the husband. All couples were entitled to adopt children, subject to specific formalities and rules. Sabbatical leave was normally taken for purposes of education; previously, only women had had the right to join their husbands on such leave, but the right had now been extended to men.

18. Mr. NISAIF (Iraq) added that the Government was making considerable efforts to extend coverage of the workers' social security scheme to all workers in rural areas. That did not imply, however, that workers in such areas currently had no access to hospitals and medical care. Hospitals and clinics existed in villages and towns throughout Iraq and provided care to all free of charge.

(Mr. Nisait, Iraq)

19. With regard to the desirability of raising the starting age for employment, the Government was providing incentives to young people to continue their education for longer periods with the aim of reducing the number of persons under the age of 17 seeking employment.

20. On the question of early marriage, he recalled that the teachings of Islam were followed in Iraq and that the last wife of the Prophet Mohammed had been only 13 years old at the time of her marriage. Although it was becoming rarer for 15-year-olds to marry, it was considered necessary, in view of religious and social attitudes, that the law should allow for that possibility.

The meeting was suspended at 11.15 a.m. and resumed at 12.05 p.m.

Report of Denmark (E/1980/6/Add.15)

21. At the invitation of the Chairman, Mr. Ulrichsen (Denmark) took a place at the table.

22. Mr. ULRICHSEN (Denmark) said that Danish social security legislation differed in several respects from the social legislation of other countries. That was particularly true where eligibility for social benefits was concerned. In the majority of cases there was no stipulation of membership in an insurance scheme or payment of premiums or fees; it was sufficient merely to be resident in Denmark. Consequently, foreigners could to a large extent obtain social aid on the same terms as Danish citizens. Another feature of the Danish system was the deliberate policy of simplifying legislation dealing with social benefits; there were few - but broad - statutes, and they tended to supplement one another.

23. A movement toward social reform in 1964 had been based partly on the principle of local assistance, according to which those authorities whose task it was to help the citizen in need must be placed as close to the local scene as possible, and partly on the "single authority" system, which required that all decisions on aid for the individual and his family should be handled by a single office. In order to satisfy those two principles, social security administration was now delegated to local authorities.

24. Premium-type insurances were rare in Denmark, since the cost of social welfare was financed largely by government revenue. That was one reason why Danes paid proportionally more income tax than most people. Social expenditures made up over one third of the national budget; in 1979, they had accounted for 66 million kroner out of a total budget of 188 million kroner. About half the adult population had contact with social welfare services each year - almost no one avoided it completely - when they sought assistance for unemployment, sickness, funerals or when they were to receive child payments, rent subsidies or pensions.

25. The Danish health services, which provided prevention and treatment of disease both in institutions and outside, were operated primarily by public authorities. The cost of the services amounted to almost 7 per cent of the gross national product and to about 12 per cent of total public expenditure.

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(Mr. Ulrichsen, Denmark)

26. Since the late nineteenth century a co-operative health service had been developed which, in conjunction with the central Government through subsidies and legislation, had gained considerable influence on the primary health service, traditionally defined in Denmark as all non-institutionalized health service facilities. The National Health Security Act, 1973, had transferred to county councils the responsibility for maintaining a primary health service, which was financed by local taxes. All general practitioners conducted pre-natal examinations of pregnant women and prophylactic examinations of pre-school children. Most immunization was done by the patient's own doctor. Those services were free of charge for the entire population. The present policy was to expand the primary health service in order to control the rapid increase in staff and costs of Denmark's hospital system.

27. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked whether there had been many lawsuits on behalf of women workers alleging discrimination in employment in Denmark, and whether any types of work were prohibited for women. She would also like further information on maternity leave with pay. She noted from the report (E/1980/6/Add.15) that female employees who were absent from work because of pregnancy and childbirth were entitled to half pay for up to five months from the date on which they became incapacitated for work, and she wondered whether that amount was sufficient. A further point which required clarification was the legal protection offered to working adolescents.

28. Mr. DIA (Senegal) said he was pleased to note that in Denmark non-nationals were entitled to the same social benefits as nationals.

29. The report stated that a female employee who was not guaranteed maternity leave with pay was entitled to maternity benefit, provided out of local government funds; he wondered under what circumstances maternity leave with pay would not be guaranteed.

30. Mr. KORDS (German Democratic Republic) requested more information on assistance to pensioners.

31. Mr. SVERRE (Norway) stressed the need to refer to the voluminous material annexed to the report in order to appreciate fully the high quality of social services in Denmark. He was sure that the answers to many questions could be found in those documents.

32. He requested additional information on the general structure of environmental policy in Denmark. To what extent did the Ministry of the Environment co-ordinate activities and deal with more specialized problems which might appear to be within the province of other ministries?

33. Mr. SHAMMA (Jordan) asked whether the half pay to which women on maternity leave were entitled was sufficient for their upkeep and whether the State would contribute additional money if hardship resulted from that drop in income or if the person concerned was unable to provide for medical expenses.

34. Mr. FENGE (Federal Republic of Germany) asked what proportion of the social security budget was spent on social assistance. He had been struck by the term "one-string system" on page 1 of the report and was interested in finding out what it meant. He wondered whether any special assistance was available to help members of marginal groups, such as the homeless, ex-prisoners, vagrants and gipsies, to integrate themselves into society and to meet their special needs. Finally, he would like to know how many people were receiving assistance under the Social Assistance Act and would appreciate a comparison between the number of recipients of social assistance and the number of people receiving pensions under the social security system.

35. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) asked whether there were any regulations concerning the types of work which pregnant women were permitted to do.

36. Mr. SAMSON (International Labour Organisation) said the report of the ILO Committee of Experts (E/1981/41) took account not only of Danish social insurance laws but also of the Maternity Leave Act, 1980, which had been adopted subsequent to the presentation of the Government's report under the Covenant. That Act represented a significant legislative development. There was one point on which the Committee of Experts had considered additional information desirable, namely, the measures taken (including any regulations) to ensure that work assigned to women during pregnancy and after childbirth was compatible with their state of health.

37. With regard to work by children and young persons, the Committee of Experts had raised three issues. It had noted that, in agriculture, forestry and horticulture, children who were members of the employer's family might undertake dangerous work as from 10, 12 or 14 years of age, according to the nature of the work; the Committee of Experts had considered that the raising of those age-limits would be desirable since admission to dangerous work should be subject to more stringent requirements. It had also considered that information would be desirable on any measures to raise the minimum age for performance of light work and to regulate hours of work and rest of young persons employed at sea.

38. Mr. ULRICHSEN (Denmark) said that he appreciated the work done by the ILO Committee of Experts in defining where inadequacies existed in Danish legislation.

39. Replying to the question put by the representative of Spain, he said that there had been some recent lawsuits on behalf of female workers. One case, involving the right of women to do the work of seamen, had been brought after a woman had been denied employment aboard ship. The court had ruled that the woman concerned should be given compensation by the owner of the ship and that, in future, shipowners would no longer be able to discriminate against female workers. There had also been various allegations that women had been dismissed from work because of pregnancy. However, that was difficult to prove, and a certain amount of insecurity therefore remained. Other related questions were dealt with outside the legal system, in negotiations between trade unions and employers. There were no legal restrictions on the employment of women, who were guaranteed equal treatment by law even in such areas as the military services, the police and the church.

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(Mr. Ulrichsen, Denmark)

40. The system whereby women on maternity leave were paid half their normal salary was not as ungenerous as some members seemed to feel. Because of the way in which income tax was calculated, a 50 per cent decrease in salary would probably result in only a 30 per cent decrease in disposable income. Since medical treatment was free and medicine was available at reduced prices, a woman would not incur any additional costs because of pregnancy. How much to pay someone who was not actually working was a universal problem affecting not only women on maternity leave but also such people as the unemployed. A system which provided those who were on leave or unemployed with the same pay as those at work was clearly open to abuse. Women on maternity leave who had special needs could always receive additional aid from other parts of the social services system.

41. With regard to the employment of young people, he said that there were specific laws relating to industry and other areas which covered the matter. The question of young people working for their own families was a delicate one, as it could be argued that society should not interfere with the parents' judgement of what was good for their children. In cases where young people of children might be mistreated or be put in a situation that was dangerous to their health or their mental development, they would be protected by regular legislation. However, there was no specific legislation on the subject, partly owing to the tradition in Danish culture of not interfering with the family. The comments made by the representative of ILO would undoubtedly be taken up by the Danish authorities in due course, but his feeling was that they would hesitate to be too specific in that area.

42. Replying to the representative of Senegal, he said that the question of maternity benefits and eligibility for paid leave might be covered by some special arrangement between employer and employees. The laws regarding the right of women to maternity leave and other social benefits established minimum conditions but did not, of course, preclude their being granted better conditions by their employer. There were special laws covering persons employed in certain areas of industry and many arrangements between individual employers and labour. Although the actual maternity benefits were minimal, other benefits were paid from the social services system financed by taxes. Where an employer paid the full salary during maternity leave, he received a partial refund under the Social Assistance Act.

43. With regard to the question put by the representative of the German Democratic Republic concerning pensioners, he said the system provided that people should generally receive old-age pensions from the age of 67, but they could receive it earlier if they wished. The age for women was 63, and in some cases people could even retire at 60. Although the pension was not high, it was meant to provide a minimum standard of living for those who already had some financial basis; if a person did not have such a basis, he or she could receive help from the social services. As was mentioned on page 15 of his country's report, a pensioner paid only 15 per cent of the household income towards the cost of housing, the balance being covered out of public funds in the form of a housing allowance which was tax-free. Many other social services were available for pensioners, including, for example, benefits for holidays to Mallorca or the Canary Islands.

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(Mr. Ulrichsen, Denmark)

44. Replying to the Norwegian representative's question concerning environmental policy, he said that the Danish Government had created a Ministry of the Environment, which had taken over the functions of many other parts of the administration. It was not only concerned with the idea of protecting the environment and the people, but also had full responsibility for action in that area. Some environmental questions would still be dealt with by other ministries - for example, those affecting workers by the Ministry of Labour - but questions relating to health, nutrition and some other areas had been transferred to the Ministry of the Environment. The report contained a list of the activities that would be undertaken by the various departments of the Working Environment Institute, which had been established as an integral part of the Directorate of Labour Inspection.

45. In reply to the representative of the Federal Republic of Germany, he said that social assistance as such accounted for 1 per cent of the total budget for social services. That was because a great effort was made to help people in other areas - for instance, with regard to medical and hospital costs, food, rent subsidies and other social services - actual social assistance being a last resort. He had the impression that other countries probably listed some of the services which Denmark provided under other areas as part of their social assistance effort.

46. The term "one-string system" meant that a single authority dealt with all services within the social system. In other words, a person did not have to go to different places for each type of service, but would deal with one authority for all his needs.

47. Replying to the question about assistance to marginal groups, he said that, in the case of former prisoners, there was a special organization to help them to reintegrate into society and find employment. If a former prisoner needed social services, he would be cared for under the regular social services system. Denmark had no special problems with gipsies, who, if they wanted help, could also obtain it under the regular system. There was, of course, a problem in the case of gipsies because it was they themselves who did not wish to become integrated into the mainstream. With regard to homeless persons, there were some organizations that helped them, not so much in financial terms as with services in kind. In any event, the local social services authorities were required to see that everyone had a place to live.

48. As to the question how many people were actually receiving social assistance, the following statistics might be useful: of 500,000 persons who were served by the social system at a given time, 400,000 would not need the social services after three months and would thus leave the system. Of the remaining 100,000 persons, 40,000 would no longer require services after 18 months and would be living at a standard no worse than they had had before entering the system, 25,000 would have risen above the hardship level and be living in a stable, although inferior situation, and 20,000 would have been granted early pensions. Thus, only 15,000 would still be in their original hardship situation after 18 months. He did not have at hand the relevant budget figures, but he hoped the information he had provided would throw some light on the question.

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(Mr. Ulrichsen, Denmark)

49. Both the Libyan representative and the ILO Committee of Experts had raised the question of measures to ensure that pregnant women did not have to do strenuous work. That was a matter which was left to the women themselves. After all, one might equally well ask why measures were not taken to prevent pregnant women from smoking. The point would be taken up by the competent Danish authorities and by the special organization for women, but he wondered how serious the problem really was in Denmark, since in most cases the hard work was done by machines. There could, of course, be certain dangers involved in working in the chemical industry. In any event, he did not know of any particular initiative being taken in Denmark to deal with the matter through legislation, as it was an issue which the people would prefer to solve on an individual basis.

50. Mr. Ulrichsen (Denmark) withdrew.

ORGANIZATION OF WORK

51. Mr. SOFINSKY (Union of Soviet Socialist Republics) said he had not objected to the setting up, at the 10th meeting, of a drafting group to exchange views and hold informal consultations on the future composition and organization of the Working Group. While he hoped that the consultations would be successful, he felt that too much time had been spent on procedural questions and not enough on considering the reports of States parties to the Covenant. If the Working Group was to be effective, members should use the free time available to prepare for forthcoming meetings. Procedural questions were diverting attention from the consideration of reports. He therefore proposed that the Working Group should return to the programme of work it had adopted.

52. The CHAIRMAN said he understood the concern of the representative of the Soviet Union, but would point out that the informal consultations and meetings of the drafting group had been held in the free time available after the consideration of reports. Thus, they had not taken away any time from the schedule adopted by the Working Group. The Working Group had to submit its report to the Economic and Social Council as soon as possible, and he had therefore felt free to convene informal meetings and meetings of the drafting group in order to expedite work. In any event, the Working Group would continue to consider the matter further at its afternoon meeting. Little by little, members were coming to a consensus, and he therefore appealed to all delegations to make it possible to continue the consultations.

53. Mr. DIA (Senegal) said that, unlike the Chairman, he did not understand the Soviet representative's proposal. The Working Group was not behind schedule and the informal consultations had not taken time from its regular work. The Soviet delegation had participated in all the informal consultations and was aware that some progress was being made. He therefore urged that the afternoon meeting should be held as scheduled.

54. Mr. KORDS (German Democratic Republic) said his delegation faced the same problem as the Soviet delegation. As he had pointed out at a previous meeting, he had received clear instructions regarding his Government's position on the future composition and work of the Working Group. He would not be able during the current week to go beyond the instructions he had received, and he saw no signs of progress in the consultations.

55. The CHAIRMAN said that the Working Group would continue its discussion of the question at its next meeting.

The meeting rose at 1.15 p.m.